

Regulations Governing

**THE USE OF THE
MAILING FRANK**

by

*Members and Officers of The
United States Senate*

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SELECT COMMITTEE ON ETHICS
UNITED STATES SENATE

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CONTENTS

	Page
FOREWORD	v
<i>Chapter One—WHO MAY USE THE MAILING FRANK</i>	
1. Senators and Officers of the Senate	1
2. Responsibility for Use of the Mailing Frank	1
3. Senator-Elect.....	1
4. Prohibition on Loan of the Frank	2
5. Senator Who Has Resigned	3
6. Upon the Death of a Senator: Responding to Letters of Con- dolence Upon the Death of a Senator's Spouse	3
7. Committees.....	3
8. Penalty for Unauthorized Use	4
<i>Chapter Two—CONTENTS OF FRANKABLE MAIL</i>	
1. Policy of Congress	5
2. Intent of Congress.....	5
3. Matters of Public Concern or Public Service	5
4. Newsletters and News Releases.....	6
5. Questionnaire Seeking Public Opinion.....	7
6. Mail Between a Senator's Washington Office and Home State Offices.....	7
7. Mail to Other Legislators	7
8. Congratulatory Messages	7
9. Federal and Other Publications	8
10. Congressional Record	8
11. Books	8
12. Public Service Material.....	8
13. Voting Information	9
14. Biographical Matter.....	9
15. The Picture of a Senator	10
16. Personal Matter	10
17. Political Matter	11
18. Solicitation of Funds	11
19. Seeds and Agricultural Reports	11
20. Correction of Mailing Lists	12
<i>Chapter Three—MASS MAILING</i>	
1. Definition of Mass Mailing	13
2. Definition of a Candidate	13
3. Definition of a Primary or General Election.....	14
4. Registration of Mass Mailings	14

5. Moratorium on the Use of the Frank for Mass Mailings	14
6. Restrictions on the Use of Mass Mailings by All Senators Prior to a Biennial Federal General Election.....	14
7. Restrictions of the Use of Mass Mailings by Candidates Prior to a Primary, General, or Special Election	15
8. Preparation of Mass Mailing Material	15
9. Use of Senate Computer Facilities	16
10. Prior Review of Mass Mailings	16
<i>Chapter Four—VIOLATIONS</i>	
1. Proper Use of Frank	17
2. Responsibility of Senators' Assistants	17
3. Complaints	17
4. Restitution for Mistake	17
APPENDIX	
1. Laws Relating to the Mailing of Congressional Franked Mail ...	19
2. Regulations Governing Mass Mail	27

FOREWORD

The Senate Select Committee on Ethics has established these Regulations in an effort to provide guidance and assistance on the use of the franked mail privilege. The Regulations define frankable mail matter and discuss the procedures surrounding the use of the frank.

The Regulations apply to all Members of the Senate, and Senate officials who are authorized to use the frank. While day-to-day decisions on the use of the frank are usually made by staff assistants, the responsibility for proper use rests with individual Members and officers of the Senate. Staff should, therefore, familiarize themselves with these Regulations.

The Members of the Ethics Committee, and its staff, are available to answer written and oral questions on the proper use of the frank.

CHAPTER ONE

WHO MAY USE THE MAILING FRANK

1. Senators and Officers of the Senate

Senators and others authorized to use the mailing frank by sections 3210, 3211, and 3218 of Title 39 of the United States Code include:

- (a) a Senator, until the expiration of the 90-day period immediately following the date on which he leaves office;
- (b) a Senator-elect;
- (c) the Vice President;
- (d) the Secretary of the Senate;
- (e) the Sergeant at Arms of the Senate;
- (f) the Legislative Counsel of the Senate;
- (g) the Senate Legal Counsel;
- (h) any authorized person in case of a vacancy in the offices of (c) , (d) or (f) above; and
- (i) the surviving spouse or a designated surviving relative of a Senator who died during his or her term of office, for not more than 180 days after the Senator's death.

2. Responsibility for Use of the Mailing Frank

The franked mail privilege is the personal responsibility of each Senator (see Chapter Four, paragraph 1 of these Regulations). While individual employees within the office of a Senator have the day-to-day use of the mailing frank, as authorized by section 3210 et seq., and as directed by the Senator, it remains the responsibility of the Senator to oversee the use of the franked mail privilege by his or her office and to ensure that the use of the privilege is consistent with the requirements established by the statute, these Regulations, the Standing Rules of the Senate, Interpretative Rulings of the Select Committee, and Regulations established by the Committee on Rules and Administration.

3. Senator-elect

A Senator-elect may use the frank to mail matter relating to his or her official duties and functions. Examples of such frankable mail would include correspondence relating to official meetings attended and legislative initiatives to be pursued. While mail matter regarding personal, political, or other non-

official undertakings would not be frankable, a Senator-elect may use the franked mail privilege to respond to inquiries from constituents on official business and activities, and the privilege may be used to respond to letters of congratulations on the Senator's election.

4. Prohibition on Loan of the Frank

(a) Section 3215 of Title 39, U.S. Code, states: "A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic Caucus or the Republican Conference of the House of Representatives or of the Senate."

(b) This prohibition on the loan of the frank means that a Senator or official authorized to frank mail matter may not allow the frank to be used in any way that would inure to the benefit of any third party not permitted to use the frank. Such organizations include:

- charitable fund-raising organization(s)
- political campaign committee(s)
- testimonial fund-raising dinner sponsor(s)
- trade organization(s)
- bar committee(s)
- political party(ies)
- State society(ies)

Other sections of the statute prohibit personal, partisan, and political uses of the frank. Any solicitation of funds for any purpose is likewise prohibited. If a mailing under the frank would result in an economic benefit to a non-Senate organization which otherwise would have had to pay postage on the mailing, use of the frank would be improper.

Similarly, because of the potential for abuse, a non-Senate organization is not permitted to stuff or mail franked envelopes, or prepare and mail self-mailers. This restriction does not apply to the labeling of self-mailers or unstuffed, unsealed franked envelopes by a non-Senate organization under the direct supervision of an employee from a Senator's office. Such envelopes or self-mailers must be returned to the Senate Service Department or to an office of the Senator for stuffing and mailing.*

(c) The sending back of a return-addressed and franked piece of mail to a Senator, or to an officer of the Senate, by an addressee does not constitute a loan of the frank if the mail matter is frankable and if the return of the frank remains under the Senator's or officer's control and is used solely to expedite the conduct of official Senate business. The following are examples of proper uses of the frank:

* The non-Senate group must be reimbursed for the cost of the labels provided and for the cost of the printing and labeling process.

Reimbursement is not required where the non-Senate organization is an agency of the Federal government or a State university. (See Paragraph 2 of Senate Rule 40, Senate Rule 38, and paragraph 8 of Chapter 3 below, concerning the preparation of mass mailing material).

- A Senator may provide a franked envelope to a radio or television station to facilitate the return of a frankable radio or television tape.
- The Secretary of the Senate may enclose a franked self-addressed envelope in a letter to State officials requesting the return of certain forms and reports required to be filed under the Federal election laws.
- A Senate committee which maintains a mailing list for its official reports may use a franked return-address postal card for addresses to indicate its continued desire to receive reports.

5. Senator Who Has Resigned

A Senator who resigns his office is entitled, under section 3210(b)(3) of Title 39, U.S. Code, to use the frank for matters of official business relating to the closing of his office during the 90-day period immediately following his resignation.

6. Upon the Death of a Senator: Responding to Letters of Condolence Upon the Death of a Senator's Spouse

(a) Section 3218 provides that upon the death of a Senator, the surviving spouse of the Senator (or, if there is no surviving spouse, a member of the immediate family of the Senator designated by the Secretary of the Senate) may send non-political correspondence relating to the death of the Senator for a period not to exceed 180 days after the Senator's death.

(b) All frankable correspondence involving legislative and constituent service matters being handled by the office of the deceased Senator is to be mailed using the franked mail privilege of the Secretary of the Senate, under procedures established by the Secretary.

(c) Although the franked mail statute does not authorize the use of the mailing frank to mail letters of condolence to the public, a Senator may use the franked mail privilege to send replies to letters of condolence received from the public upon the death of a member of the Senator's immediate family.

7. Committees

(a) Mail matter of any standing, select or special committee established by a Resolution of the Senate, or of any joint committee or commission established by the Congress, whose chairman is a Senator, may be sent under the frank of the chairman, if the mail matter is frankable under section 3210. Mail matter must relate, in the case of a standing, select or special committee of the Congress, exclusively to the official business of the committee and may not focus unduly upon the chairman or any other Member of the Committee.

The Democratic Caucus and the Republican Conference of the Senate may use the frank under the authority of section 3215 to mail matter which meets the tests of frankability set forth in section 3210. Mail matter sent under the frank of either the Democratic Caucus or the Republican Conference must relate exclusively to the official legislative and related activities of the Con-

gress and may not be partisan or political. (See Chapter Two, paragraph 1 of these Regulations and 2 U.S.C. 439(b)).

(b) The services of a campaign committee, political party or other partisan political organization, or an organization utilizing a list of names and addresses developed for or by such a campaign committee or political organization may not be used to prepare or process any part of a franked mailing.

8. Penalty for Unauthorized Use

Section 1719 of Title 18, U.S. Code, states, "Whoever makes use of any official envelope, label, or endorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package or other matter in the mail, shall be fined not more than \$300."

CONTENTS OF FRANKABLE MAIL

1. Policy of Congress

Section 3210(a)(1) of Title 39, U.S. Code, as enacted by Public Law 93-191 and as amended by Public Law 94-177, states, "It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States."

2. Intent of Congress

Section 3210(a)(3) states, "It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of another authority of Government, as a guide or a means of assistance in the performance of those functions."

3. Matters of Public Concern or Public Service

Section 3210(a)(3)(A) authorizes the franking of mail matter "regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress."

These matters generally relate to legislative actions or the official business of a Senator's office and must relate principally to the Federal government. There are some limited instances where the frank may properly be used to send material of purely State and local concern. For example, a Senator may communicate with State and local officials on matters of State and local concern, and with constituents who have inquired or communicated on State or local matters. Nevertheless, mass mailings sent at a Senator's initiative should relate to federal matters and the impact of federal policies on States, communities, and individual citizens, and should not contain matters of purely State and local concern.

(See also paragraph 4, below).

4. Newsletters and News Releases

Section 3210(a)(3)(B) authorizes the franking of newsletters and press releases dealing with "such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the position of the Members of Congress on, and arguments for or against, such matters."

Personal material or material of a partisan political nature shall not be included in newsletters and news releases mailed under the frank. For an explanation of what constitutes unfrankable personal material and unfrankable political material, see also paragraphs 16 and 17 respectively in this chapter.

Biographical matter concerning the Senator or any member of his family shall not be included in a newsletter, as stated in paragraph 14 of this chapter. The inclusion of pictures of the Senator in a newsletter shall be limited by the provisions of paragraph 15 of this chapter.

The type in which the Senator's name appears anywhere in a newsletter, other than the masthead, may not exceed $\frac{1}{4}$ " in height.

A "personal reference" (the use of a Senator's name or the word "Senator" in place of the Senator's name) may not appear in a newsletter or other mass mailing more than an average of eight times per page. For example, in a two-page newsletter, page one could contain ten "personal references", and page two could contain five "personal references", as long as, taken together, they would not exceed sixteen—an average of eight per page. For purposes of this limitation, the use of a Senator's name, preceded by the word "Senator", as in "Senator Smith", or "Senator John Smith", constitutes only one "personal reference".

(1) This limitation does not include the Senator's name in the frank on the self-mailer, or on the masthead, nor does it apply to the mass mailing of otherwise frankable official Government records or publications. For example, the personal reference rule does not apply to the mass mailing of hearing transcripts or a copy of, or an excerpt from, the Congressional Record. If, however, portions or excerpts are reprinted from such sources in the text of a newsletter or other mass mailing, then the personal reference rule does apply and personal references are limited to no more than an average of eight per page.

(2) The personal reference limitation is not applicable to a frankable opening statement by a Senator before a committee of the Congress.

For the purposes of the limitation on personally phrased references to the Senator, a "page" is each side of an $8\frac{1}{2}$ " $\times$ 11" or $8\frac{1}{2}$ " $\times$ 14" sheet of paper, irrespective of the number of folds utilized in the design of the matter mailed. Thus, if a newsletter is on a legal-size sheet of paper and has print on both sides, it would be a two-page newsletter, even if the paper were folded to resemble a four-page pamphlet.

(See paragraph 5 of Chapter 3, "Moratorium on Use of the Frank for Mass Mailings" and paragraph 9 of Chapter 3, "Preparation of Mass Mailing Material.")

5. Questionnaire Seeking Public Opinion

Section 3210(a)(3)(C) authorizes the franking of questionnaires "seeking public opinion on any law, pending or proposed legislation, public issue, or subject." Such questionnaires must be designed to aid a Senator in the conduct of the official business of the Senate and must relate to existing Federal law, pending or proposed legislation, or public policy questions and issues with which the Senator is concerned.

The Committee on Rules and Administration has established guidelines on the use of the frank for the return of questionnaires. (See the Appendix to these Regulations.)

A tabulation of the results of questionnaires received by the Senator may be included in his newsletter or other frankable reports to his constituents.

6. Mail Between a Senator's Washington Office and Home State Offices

Section 3210(a)(3)(D) authorizes the franking of "mail matter dispatched by a Member of Congress between his Washington office and any Congressional district offices, or between his district offices."

As applied to Senators, Congressional district offices refer to home State offices.

Mail matter franked under this provision must relate to the official duties of a Senator and is subject to the restrictions on the frankability of mail matter in general, including those relating to the use of personal or political material set forth in paragraphs 16 and 17 respectively of this chapter.

7. Mail to Other Legislators

Section 3210(a)(3)(E) authorizes the franking of "mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments."

Mail matter franked under this provision must relate to the official duties of a Senator and is subject to the restrictions on the frankability of mail matter in general, including those relating to the use of personal or political material set forth in paragraphs 16 and 17 respectively of this chapter.

8. Congratulatory Messages

Section 3210(a)(3)(F) authorizes the franking of "mail matter expressing congratulations to a person who has achieved some public distinction."

This provision precludes the use of the franking privilege for mailing letters of congratulations and condolences upon occasions such as birth, graduation from high school and college, marriage, death and other landmark occasions which, although they may well be viewed as a personal or private distinction, mark neither a unique public occasion, nor the achievement of a public distinction accorded in recognition of unusual public service to community, state, or nation.

The following examples are "public distinctions" for which the frank could be used to mail a letter of congratulations: senior citizens who have received

a high school diploma through an adult education program; newly naturalized American citizens; enlisting or re-enlisting in the Armed Forces of the United States; and becoming an Eagle Scout, VFW State Commander, American Legion State Commander, or head of a state or regional union council.

9. Federal and Other Publications

Section 3210(a)(3)(G) authorizes the franking of "mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information."

Frankable Federal publications include the Agricultural Yearbook, Congressional Directory, Senate wall calendar, Department of Agriculture pamphlets, and any other publication printed by order of Congress which relates to the legislative process. Seeds and agricultural reports from the Department of Agriculture are specifically frankable as stated under paragraph 19 of this chapter.

10. Congressional Record

(a) Section 3212 authorizes Senators to send the Congressional Record as franked mail. That section also states, "Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210. . . ."

(b) Matter reprinted from the Congressional Record does not become frankable under section 3210 et seq., simply because it has appeared in the Congressional Record.

11. Books

The personal books belonging to a Senator, other than Federal publications, are not frankable.

Surplus and other books and publications from the Library of Congress are frankable to other libraries or persons. A Senator may provide franked labels to the Library of Congress to be used in shipping such books or publications as long as the Senator takes such steps as may be necessary to avoid misuse resulting in an improper loan of the frank. (See paragraph 4 of Chapter 1).

Ordinarily a book which is printed privately under the authorship or editorship of a Senator is not frankable; however, if the book is substantially biographical under the provisions of paragraph 14 of this chapter, it may be mailed under the frank in response to a specific request for biographical material.

12. Public Service Material

Section 3210(f) provides that:

"Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing of the mail matter is paid exclusively from the funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

Rule 40 (Franking Privilege and Radio and Television Studios)

Paragraph 2 provides:

"A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank."

The franked mail statute, 39 U.S.C. 3210(a)(5)(D) authorizes the Select Committee to prescribe regulations as the Committee considers necessary and proper for Members of the Senate to conform to the provisions of the statute. Under this authority the Select Committee is presently engaged in an effort to properly define the parameters of the term "frankable public service material." Pending a definitive opinion by the Committee in defining this term, Members and staff are cautioned to employ a narrow reading of the term "frankable public service material" and where a question exists as to public service material which is intended to be used in a franked mass mailing, the Committee will provide guidance on a case-by-case basis for Members before the mailing is sent out under the franked mail statute.

13. Voting Information

Section 3210(a)(3)(H) authorizes the franking of "mail matter which consists of voter registration or election information or assistance prepared and mailed in a non-partisan manner."

Letters from a Senator thus may be sent under the frank to new student voters, recently naturalized citizens, and other newly enfranchised voters encouraging them to vote by providing information or assistance. Special caution must be exercised, however, to ensure that this mail does not include unfrankable political material as described in paragraph 17 of this chapter.

Voter registration or election information or assistance of a nonpartisan nature may be included in an otherwise frankable newsletter.

14. Biographical Matter

Section 3210(a)(3)(I) authorizes the franking of "mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of his family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege."

This matter may be a book or a part of a book, a specially printed brochure, a newspaper or magazine article, a copy of a speech, or other available form.

The frankability of biographical matter could be affected by the inclusion of personal matter for publicity, advertising, or potential use for political purposes. (See paragraphs 16 and 17 of this chapter).

15. The Picture of a Senator

Section 3210(a)(3)(J) authorizes the franking of "mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text."

Any picture, sketch, or other likeness in which a Senator appears in a newsletter or other mass mailing shall conform to the following requirements:

- Such pictures, sketches, or other likenesses must relate to the content of the newsletter; i.e., a brief caption will not be deemed sufficient as accompanying text if the picture, sketch, or other likeness is otherwise unrelated to the body of the newsletter.
- The total number of pictures, sketches, or other likenesses (excluding a photograph, sketch, or other illustration in the masthead) in which the Senator appears in a single issue may not be more than four.
- A picture, sketch, or other likeness of a Senator alone shall be no larger than 12 square inches.
- A picture, sketch, or other likeness of a Senator with one or more other persons shall be no larger than 20 square inches.

Photographs of a Senator may only be mailed in direct response to specific requests from the public.

16. Personal Matter

(a) Section 3210(a)(4) prohibits the use of the frank for "the transmission through the mails . . . of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials (who are authorized to use the frank)."

(b) Section 3210(a)(5)(A) prohibits the use of the frank for "mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect."

Mail matter complimenting a Senator is frankable only if it relates to achievements in the performance of Senate duties. However, the use, in a newsletter or other mass mailing, of matter which is laudatory or complimen-

tary to the Senator, no matter how deserving or how accurate may give the impression that the Senator is advertising himself for political purposes.

(c) Section 3210(a)(5)(B)(i) permits a Member or Member-elect to express greetings from his or her spouse or members of the family if such greetings are brief and incidental to an otherwise frankable mailing.

(d) Section 3210(a)(5)(B)(ii) prohibits the use of the frank for "reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect."

(e) Section 3210(a)(5)(B)(iii) prohibits the use of the frank for "any card expressing holiday greetings from (a Senator)." This prohibition extends to acknowledgements of holiday greetings sent to a Senator, but does not preclude an expression of holiday greetings at the commencement or conclusion of otherwise frankable correspondence.

17. Political Matter

(a) Section 3210(a)(3)(B) authorizes the frank for mail matter which reports on "public and official actions taken by Members of Congress" or which discusses "proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters."

(b) Mail matter may therefore include arguments or opinions which explain or advocate support or opposition to potential, proposed, or pending legislation, or policy positions of any branch or agency of government, provided that the arguments or opinions focus on the merits of the policy issues and not on political considerations.

(c) Section 3210(a)(5)(C) prohibits the use of the frank for "mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any political office."

(d) Mail matter which mentions that the Senator or an employee of a Senator is a candidate for political office is not frankable. Similarly, mail matter which constitutes electioneering, or which advocates the election or defeat of any individuals, or a political party is not frankable.

(e) The use of the political designation "D" or "R" when used for purposes of party identification in an otherwise frankable mailing is not prohibited.

(f) After general election for his office, a Senator who was a candidate may send under his frank and in response to a specific request from a history scholar, library, museum, or individual collector the following types of campaign material: platform statements, bumper stickers, posters, and buttons.

18. Solicitation of Funds

No solicitation of funds for any purpose may be made under the franked mail privilege (2 U.S.C. 439(b)).

19. Seeds and Agricultural Reports

(a) Section 3213 authorizes the use of the frank to mail seeds and agricultural reports emanating from the Department of Agriculture in response to a specific request of a Senator.

(b) Former members of Congress are entitled to use the frank to mail seeds and such agricultural reports in response to a specific request during the 90-day period immediately following the expiration of their term of office.

20. Correction of Mailing Lists

Instructions to a local postmaster to make any necessary changes to the name and address may be printed on the front of an envelope or self-mailer used in a frankable mailing.

(a) Postal Service Regulation 122.5 states that mailing lists submitted by Members of Congress will be corrected as frequently as requested and that payment for correction of lists submitted by Members of Congress is made under the official mail reimbursement program.

(b) A Senator may include instructions, on the front of a franked envelope or self-mailer, to a local postmaster to make any necessary changes to the name and address printed on the franked envelope or self-mailer, so long as the frank is used, in this instance, in connection with a frankable mailing.

(c) A Senator may not use the mailing list of a private organization in a franked mailing and subsequently provide the organization with information to be used to update its mailing list.

(d) The chairman of a committee or subcommittee of the Senate may use his frank to update the mailing list of his committee or subcommittee, so long as the mailing list is compiled from specific requests and is used only to mail official publications, such as transcripts of hearings, reports, news releases and announcements. For this purpose, the Chairman may also use his frank to send return address cards to addresses on the list.

MASS MAILING

1. Definition of a Mass Mailing

The term "mass mailing" means any mailing within any 30-day period of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

(i) which are in direct response to communications from persons to whom the matter is mailed;

(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

(iii) of news releases to the communications media.

Any mailing which meets any one of the three exceptions above is not a "mass mailing" and is therefore not subject to the moratorium or registration requirements, which are described in paragraphs 4, 5, and 6, of this chapter.

A franked mailing sent in response to persons who have sent letters or post cards, or who have signed a petition, is not a mass mailing. Any subsequent franked mailing sent to these persons after the initial response would be a mass mailing, if the mailing is more than 500 pieces of substantially identical content and is sent within a 30-day period. Such a mailing would be subject to the moratorium and registration requirements.

No mailing to Government officials is a mass mailing. Government officials (whether Federal, State, or local) include any elected or appointed official of the United States and of any state or territory or a political subdivision thereof.

No mailing of news releases to the communications media is a mass mailing.

2. Definition of a Candidate

The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(a) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or

(b) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess

of \$5,000 or has made such expenditures aggregating in excess of \$5,000. (2 U.S.C. section 431(2))

3. Definition of a Primary or General Election

A primary or general election includes a party convention or caucus which has authority to nominate a candidate for the Senate and any subsequent primary or general election.

4. Registration of Mass Mailings

Paragraph 3 of Rule 40 provides that a Senator must register each mass mailing which he or she sends under the frank. Registration is made by filing with the Secretary of the Senate a copy of the mailing attached to a form providing a description of the group or groups of persons to whom the mass mailing was sent. For example, annual registrations of mailings sent during each year are due by February 1 of the next year, but may be made at the time each mass mailing is sent.

5. Moratorium on the Use of the Frank for Mass Mailings

Section 3210(a)(6)(C) provides that: "No Member of the Senate may mail any mass mailings as franked mail if such mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election." The moratorium also applies to the period before any convention which has authority to nominate a candidate for the Senate.

The moratorium does not apply to a Senator who does not face any convention, primary, or general election opposition. The moratorium does apply, however, if there is even the possibility under applicable State law of any opposition, including the possibility of write-in opposition.

The moratorium also does not apply to the mass mailings of a Senate committee which are mailed under the frank of the chairman of the committee. Such mass mailings must relate only to the committee's business and may not focus on a Member in a manner that reasonably could be deemed to be personal or partisan in nature.

6. Restrictions on the Use of Mass Mailing by All Senators Prior to a Biennial Federal General Election

Regulations promulgated by the Committee on Rules and Administration provide that no Senator shall send any mass mailing, except town meeting notices and opinion surveys, during the period beginning 60 days before the date of a biennial federal election. These Regulations are reprinted in their entirety in the Appendix (see page 25).

7. Restrictions on the Use of Mass Mailing by Candidates Prior to a Primary, General, or Special Election

A Senator who is a candidate may not send any franked mass mailing unless such mailing is delivered to a postal facility at least 60 days prior to the date of a primary, its equivalent, or a general or special election. Similarly, Senators subject to the 60-day moratorium regarding the biennial Federal election shall not send any franked mass mailing (except for mailings noted in paragraph 6, above) unless such mailing is delivered to a postal facility at least 60 days prior to the date of the election. In computing this 60-day period, the date of the election is excluded and the time of mailing is determined by the time of delivery to a postal facility. Thus, delivery before midnight of the 60th day before the election would be in compliance with the moratorium. For example, if the primary election in which a Senator is a candidate is September 10th, the 60th day before the election is July 12th.

In order to comply with this limitation, each Member has the responsibility to ascertain from the Service Department how far in advance of the deadline he or she must submit such material so that it can be prepared, printed, and delivered to the Postal Service in compliance with the law.

8. Preparation of Mass Mailing Material

Section 3210(f) provides that:

"Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing of the mail matter is paid exclusively from the funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

Rule 40 (Franking Privilege and Radio and Television Studios)
Paragraph 2 provides:

"A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank."

The franked mail statute, 39 U.S.C. 3210(a)(5)(D) authorizes the Select Committee to prescribe regulations as the Committee considers necessary and proper for Members of the Senate to conform to the provisions of the statute. Under this authority the Select Committee is presently engaged in an effort to properly define the parameters of the term "frankable public service material." Pending a definitive opinion by the Committee in defining this term, Members and staff are cautioned to employ a narrow reading of the term "frankable public service material" and where a question exists as to public service material which is intended to be used in a franked mass mailing, the Committee will provide guidance on a case-by-case basis for Members before the mailing is sent out under the franked mail statute.

9. Use of Senate Computer Facilities

Paragraph 5 of Senate Rule 40 provides:

"The Senate computer facilities shall not be used (a) to store, maintain, or otherwise process any lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, (b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes."

10. Prior Review of Mass Mailings

At the request of a Senator or employee, the Select Committee will examine the proposed mail matter and render an opinion as to whether the mailing is in compliance with section 3210 and the regulations promulgated thereunder.

VIOLATIONS

1. Proper Use of Frank

The use of the frank as authorized by law is a privilege which Senators and others must view as a personal responsibility and which must be vigilantly safeguarded against abuse. Mail sent under the frank is not free; its cost is paid by the Congress and ultimately by the taxpayer. Every citizen has the right, therefore, to expect that a Senator will use his frank only in the proper exercise of the duties of his office.

2. Responsibility of Senators' Assistants

The actual determination of whether or not to send a particular piece of mail under a Senator's frank probably will be made by the Senator's assistants who prepare mail for delivery. An improper use of the frank by an assistant, ranging from an inadvertent mistake on a single letter to a wilful abuse of the frank in connection with a mass mailing, will be imputed to the employing Senator under most circumstances. To help avoid these violations of the franking law, Senators should assure that their assistants know what kinds of mail are frankable by providing for the training and supervision of their employees and their familiarization with these Regulations.

3. Complaints

The Select Committee on Ethics is assigned the responsibility of receiving and disposing of complaints that a violation of the use of the mailing frank has occurred or is about to occur. The Committee is empowered, if it determines there is a reasonable justification for the complaint, to conduct an investigation of the matter, afford due process, conduct a hearing, issue a decision, take appropriate action, and recommend disciplinary measures.

4. Restitution for Mistake

A mistake exists when a Senator, or an assistant to a Senator acting within the scope of his employment, improperly or unlawfully uses the frank through ignorance or forgetfulness.

A Senator who uses the frank mistakenly may offer to pay for the cost of the mailing. Such an offer will be viewed as an act of good faith by the Select Committee on Ethics in deciding whether to conduct further proceedings in

case of a complaint against the Senator because of the mailing. The Committee may then direct that the payment be made.

Section 3216(d) of title 39, United States Code provides, "Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury."

LAWS RELATING TO THE MAILING OF CONGRESSIONAL FRANKED MAIL

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decision on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussion of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail of matter which in its nature is purely personal to the sender or to any other person and is official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of or Member-elect, to Congress on a purely personal or politi-

cal basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such member or Member-elect unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elected to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective House rules and regulations, and shall take other action as the Commission or the Committee considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) For purposes of this section, the term "mass mailing" means newsletters and similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

- (i) which are in direct response to communications from persons to whom the matter is mailed;
- (ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or
- (iii) of news releases to the communications media.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives and the Senate Legal Counsel, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a) (2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

(d)(1) A Member of the Congress may mail franked mail with a simplified form of address for delivery—

(A) within that area constituting the congressional district or State from which he was elected; and

(B) with respect to a Member of the House of Representatives on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall be regulation limit the number of such mailings allowed under this subsection.

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

- (i) each box holder or family on a rural or star route;
- (ii) each post office box holder; and
- (iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

§ 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

§ 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

§ 3213. Seeds and reports from Department of Agriculture

Seeds and agriculture reports emanating from the Department of Agriculture may be mailed—

- (1) as penalty mail by the Secretary of Agriculture; and
- (2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

* * * * *

§ 3215. Lending or permitting use of frank unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate; the Law Revision Counsel of the House of Representatives; and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

* * * * *

§ 3218. Franked mail for survivors of Members of Congress

Upon the death of a Member during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

* * * * *

REGULATIONS GOVERNING MASS MAIL

Approved by the Committee on Rules and Administration, United States Senate, on November 1, 1983, to become effective on December 1, 1983, except section 4, which shall become effective January 3, 1985. Section 9 and amendments to sections 1, 3, 4, 6, 7, and 8 approved by the Committee on Rules and Administration on May 1, 1984, to become effective on May 1, 1984.

As directed by Public Law 97-69 and pursuant to other authorities, it is resolved by the Committee on Rules and Administration of the United States Senate, that use of Senate resources and facilities for preparing and sending any mass mailing shall be subject to the following regulations.

DEFINITIONS

SECTION 1. As used in these regulations—

(a) "mass mailing" has the meaning given it in section 3210(a)(6)(E) of title 39, United States Code;

(b) "postal patron mail" means any mass mailing prepared and mailed pursuant to section 3210(d)(7) of such title;

(c) "name addressed mail" means any mass mailing sent to named individuals at specific addresses;

(d) "town meeting notice" means any mass mailing, consisting of notices printed on 4.25-inch by 6-inch or 6-inch by 8.5-inch post card stock, announcing the time and place at which a Senator or a member or members of his or her staff will be available to meet constituents regarding legislative issues or problems with Federal programs;

(e) "newsletter" means any professionally photocomposed mass mailing consisting of documents which set forth, in textual and graphic form (or both), factual information and commentary on prospective, pending, or past issues of public policy;

(f) "opinion survey" means any assemblage of mass mailings and related individual mailings, including, but not limited to, survey questionnaires, presurvey letters, response forms, follow-up letters, and instructions that are sent to a sample group of individuals for the purpose of obtaining a reliable estimate of the opinion of the population from which the survey sample is drawn and are processed in accordance with

the "Guidelines for Opinion Surveys" issued by the Committee on Rules and Administration in September 1979.

NOTICE OF COST

SEC. 2. Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms shall send to each Senator a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senator during such quarter. The statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Committee on Rules and Administration.

RESTRICTIONS ON THE USE OF MASS-MAIL PRIOR TO A BIENNIAL FEDERAL GENERAL ELECTION

SEC. 3. A Senator to whom the provisions of paragraph 1 of Rule XL of the Standing Rules of the Senate do not apply shall not send any mass mailing, except town-meeting notices and opinion surveys, during the period beginning 60 days before the date of any biennial Federal general election.

PAPER ALLOWANCE

SEC. 4. (a) The Secretary of the Senate shall provide each Senator with one and one-third sheets of blank paper per year per adult constituent as reported by the Bureau of the Census, except that no Senator shall be provided with fewer than 1.2 million sheets per year.

(b) Portions of a Senator's allowance for paper which are unused at the end of a year may be used during the following year after the allowance for such following year has been exhausted. Portions of such allowances for any year which are unused at the end of the year following the year such allowance accrues shall lapse and shall not be available for use thereafter.

(c) Portions of a Senator's allowance for paper which are unused at the time such Senator resigns, retires, or otherwise leaves office shall lapse and shall not be available for use for newsletters thereafter.

(d) No portion of the paper allowance of any Senator be given or otherwise transferred to another Senator or office.

(e) Accumulated reserves of paper under the control of the Secretary to the Majority and the Secretary to the Minority are abolished.

(f) In order to preclude the inadvertent production of mass mailing material in excess of a Senator's paper allowance, the Secretary of the Senate shall provide the Sergeant at Arms with a monthly report of the status of each Senator's allowance.

ENVELOPES

SEC. 5. Envelopes shall not be used to send newsletters or town meeting notices.

USE OF POSTAL PATRON AND THIRD CLASS MAIL

SEC. 6. (a) Town meeting notices shall be processed as postal patron mail, unless (1) sending name addressed mail to selected persons in the area served by the town meeting would be more economical, or (2) the town meeting is to be on a subject or subjects that would not be of interest to all the people who would receive a postal patron mailing.

(b) The Sergeant at Arms shall send all name addressed mailings by the most economical means practical, taking postage rates and handling costs in the Office of the Sergeant at Arms into consideration.

(c) All mass mailings (when the Senator intends to use the mailing list for more than one additional mailing) which are not processed as postal patron mail shall bear the endorsement "Return Postage Guaranteed" and the endorsement "Attention Postmaster—OCR—Please Do Not Mark On or Above the Label," and shall bear no other endorsement; except that, a mass mailing may contain the endorsement "Address Correction Requested" if the Senator making such mailing certifies in writing to the Sergeant at Arms and Doorkeeper of the Senate, at the time of such mailing, that the mailing list employed in such mailing has been revised so as to take account of all address corrections received by such Senator in connection with all mass mailings, to persons on that list, mailed by such Senator after September 1, 1983.

(d) Two-page newsletters may be processed as postal patron mail whenever: (1) the Sergeant at Arms determines that a mailing submitted for processing as name addressed mail to a particular geographic area would be sent to more than 73.3 percent of the residential addresses in such area, and (2) the Senator for whom such mail is being sent concurs.

RETURNED MAIL

SEC. 7. (a)(1) Mass mail sent without the endorsement "Address Correction Requested" and returned as undeliverable shall be processed by the Sergeant at Arms through the Optical Character Recognition machine to remove the names and addresses from the appropriate mail file. Such mail which cannot be processed by the Optical Character Recognition machine shall be sent to the office for which it was mailed for further processing. Lists of names and addresses removed from mail files through use of the Optical Character Recognition machine shall be sent to the office for which they were removed.

(2)(A) Mass mail sent with the endorsement "Address Correction Requested" and returned as undeliverable shall be sent to the office for which it was mailed. The office shall separate the mail into two groups: that bearing address correction information and that not bearing address correction information. The group not containing address correction information shall be returned to the Sergeant at Arms for processing through the Optical Character Recognition machine as set forth in paragraph (1). The group containing address correction information shall be used by the office to correct the mail file.

(B) Optionally, an office may elect to have all such mail processed initially through the Optical Character Recognition machine and then all sent to the office for further processing.

(b)(1) The Sergeant at Arms shall maintain records on the portions of the mass mailings of each Senator that are returned as undeliverable sufficient to ascertain the total number of pieces of such mass mailings so returned to such Senator and the percentage of each such mass mailing of such Senator that is so returned, to the extent that such percentages can reasonably be determined.

(2) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms shall send to each Senator a statement setting forth the information compiled on such Senator's mass mailings pursuant to paragraph (1), and shall send a compilation of all such statements to the Committee on Rules and Administration.

FRANKED RESPONSES AND RETURN OF SURVEY QUESTIONNAIRES

SEC. 8. (a) The Sergeant at Arms shall not print or mail under the frank any mass mailing which contains questions the answers to which recipients are invited or encouraged to return on a form bearing the frank provided for that purpose. This section does not apply to opinion surveys as defined in section 1(f) or to mailings to colleagues in Congress, to Government officials (whether Federal, State, or local), or to the communications media.

(b) Any mass mailing containing questions that recipients are invited or encouraged to answer shall contain instructions to the recipients on how properly to return their responses, including information on whether or not return postage is required.

SPECIAL PROCEDURES FOR RESPONSES TO ORGANIZED MAIL CAMPAIGNS

SEC. 9. (a) Whenever a Senator determines that he or she is the recipient of mail generated by an organized mail campaign and that the resources of his or her office are not sufficient to enter the names and addresses into the Correspondence Management System or its equivalent, the Senator, with the approval of the Committee on Rules and Administration, may send the incoming mail, segregated by issue if appropriate, to the Sergeant at Arms of the Senate. On receipt of such mail the Sergeant at Arms shall cause the names and addresses to be converted to machine readable media and added to the newsletter mail file for production of labels for use with post card or "dear friend" letter responses from the Senator.

(b) In carrying out his duties under subsection (a) of this section, the Sergeant at Arms shall cause such conversions to be performed by a commercial vendor or vendors under contracts approved by the Committee on Rules and Administration.

(c) Expenses for work performed in accordance with this section shall be paid from funds of the Sergeant at Arms and shall be reported on the quarterly reports required by section 2.

